

REMARKS

As a preliminary matter, Applicants have corrected the typographical error on line 7 of Claim 16 by replacing the incorrect term “imitation” with the correct term “limitation.” According, withdrawal of the objection to Claim 16 is respectfully requested.

As an additional preliminary matter, Applicants appreciate the time and courtesy extended by Examiner Janet Suglo and SPE Mark Hoff during the August 22, 2006 telephone interview with Applicants’ representative. During the interview, the Examiner agreed that the idea behind the “pair of threshold values” of Smocha et al. was different from Applicants’ “threshold for the item being monitored,” but the Examiner asserted that the claim language did not adequately define this difference. In response, Applicants have amended independent Claims 1, 5 and 21 to better differentiate these features, as discussed below.

Claims 1-6, 13, 14, 16-18, 20-25 and 27 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,694,288 to Smocha et al. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the Smocha et al. reference fails to disclose all of the features of the present invention. More specifically, the Smocha et al. reference fails to disclose a load monitoring condition determination method (or system) that includes, *inter alia*, a “load monitoring condition [that] includes . . . a threshold value, which corresponds to a measured value of the item being monitored, to be used for monitoring of the item being monitored,” as now defined in independent Claims 1, 5 and 21.

Applicants respectfully submit that the threshold discussed in the Smocha et al. reference, such as in column 11, lines 19-30, is not the same as the threshold value of the present invention, as defined in independent Claims 1, 5 and 21. In the present invention of Claims 1, 5 and 21, the threshold value is included in the load monitoring condition and it is a threshold value, or limit, that *corresponds to a measured value of the item being monitored*. The threshold value of Claims 1, 5 and 21 can be used, for example, to determine whether a system administrator needs to be notified, such as shown in step S22 of the flowchart of Applicants' Figure 2.

In contrast, the term “threshold” as used in the Smocha et al. reference is not a threshold value that corresponds to a measured value of the item being monitored, but it is instead part of the phrase a “pair of threshold correlation coefficient values” (column 11, lines 19-22). Correlation coefficients are used to show how closely two items being monitored show behavior related to each other, such as whether two items being monitored track each other closely; are unrelated; or have a functional or causal relationship to each other. See Smocha et al., col. 10, line 31 to col. 12, line 22. The “pair of threshold correlation coefficient values” are upper and lower limits for a variable determined by a formula, which variable is used to show whether two sets of items being monitored relate to each other. Accordingly, the pair of threshold coefficient values are not measured values, but are values derived from a formula.

Thus, the “threshold” referred to in the Smocha et al. reference is not a threshold value that corresponds to a measured value of the item being monitored, as defined

in independent Claims 1, 5 and 21, but is instead an upper or lower limit for a value determined by a formula that calculates the correlation coefficient for comparing the data collected for two items being monitored to determine whether the two types of data are related to each other or not. Neither the upper limit nor the lower limit is a value that “corresponds to a measured value of the item being monitored,” but the upper and lower limits are instead limits for a value determined from the correlation coefficient formula, not from a measured value of the item being monitored, as now defined in independent Claims 1, 5 and 21. Accordingly, as the Smocha et al. reference does not include all of the features defined in independent Claims 1, 5 and 21, Applicants respectfully request the withdrawal of this §102(e) rejection of independent Claims 1, 5 and 21 and associated dependent Claims 2-4, 6, 13, 14, 16-18, 20-22-25 and 27.

Claims 15, 19 and 26 stand rejected under 35 U.S.C. §103 as being unpatentable over Smocha et al. in view of United States Patent No. 6,470,464 to Bertram et al. Applicants respectfully traverse this rejection.

Claims 15, 19 and 26 all depend, directly or indirectly, from independent Claim 1, independent Claim 5 or independent Claim 21, and therefore include all of the features of their associated independent claims, plus additional features. Accordingly, Applicants respectfully request that the §103 rejection of dependent Claims 15, 19 and 26 under Smocha et al. in view of Bertram et al. be withdrawn considering the above remarks directed to independent Claims 1, 5 and 21, and also because the Bertram reference fails to remedy the deficiencies noted above, nor was it relied upon as such.

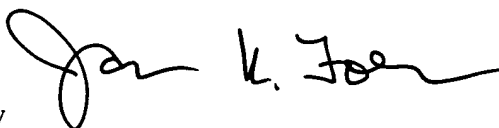
In addition, Applicants also respectfully submit that one of ordinary skill in the art would not have been motivated to combine the Bertram et al. reference with the Smocha et al. reference because the Bertram et al. reference teaches away from the use of monitoring systems that provide or simulate a load upon the system (an "active" system), as in the devices of the present invention and the Smocha et al. reference, in favor of a "passive" method that merely monitors the system without effecting it. Applicants respectfully submit that one of ordinary skill in the art would not have modified the "active" system of Smocha et al. in light of the "passive" system of Bertram et al. because the two types of systems go about the monitoring process in distinctly different ways. For at least this additional reason, Applicants respectfully request the withdrawal of this §103 rejection of Claims 15, 19 and 26.

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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